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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,987	03/24/2004	David A. Orbits	40062.91USC1	6801

7590 03/30/2007
Attention of Joshua W. Korver
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EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
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2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/808,987	Applicant(s) ORBITS ET AL.	
	Examiner Neveen Abel-Jalil	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 6, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 18-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 18-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. The Amendment filed on February 6, 2007 has been received and entered. Claims 7-17 have been cancelled. Claims 21-31 are newly added. Therefore, claims 1-6, and 18-31 are now pending.
2. Applicant's amendment has overcome the rejections under 35 USC 101, claim objects and rejection under 112, second paragraph. New drawings were submitted, as well as a new title and they are both received and entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first member" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation " the second member " in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the replication" in the preamble. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6, 18-20, 22-23, 25, 27, and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Forbes et al. (U.S. Patent No. 6,381,742 B2).

As to claim 1, Forbes et al. discloses a computer-implemented method of replicating data using a manifest file comprising:

creating a manifest file at the first member, the manifest file including an identifier of each of a plurality of resources of an application that exists at the first member (See column 6, lines 63-67);

causing the manifest file to be reproduced at the second member (See column 7, lines 34-60);

in response to the manifest file being reproduced at the second member, identifying whether each resource identified in the manifest file exists at the second member (See column 9, lines 7-13);

when each resource identified in the manifest file does not exist at the second member, preventing the application identified in the manifest file from being executed until each resource exists at the second member (See column 9, lines 19-41); and

when each resource identified in the manifest file does exist at the second member, executing the application identified in the manifest file (See column 9, lines 10-18, wherein already installed is taught, also see column 15, lines 45-55).

As to claim 2, Forbes et al. discloses wherein identifying whether each resource exists at the second member includes comparing information in the manifest file with information stored at the second member, the information stored at the second member identifying a plurality of resources stored at the second member (See column 10, lines 20-43).

As to claim 3, Forbes et al. discloses wherein the identifier of each resource includes a version identifier associated with the resource (See column 11, lines 43-54).

As to claim 4, Forbes et al. discloses wherein identifying whether each resource exists at the second member includes comparing the version identifier of the resource with another version identifier associated with another copy of the resource stored at the second member (See column 10, lines 20-43).

As to claim 5, Forbes et al. discloses comprising when each resource does not exist at the second member, awaiting receipt of each resource at the second member and, in response to receiving each resource at the second member, executing the application (See column 9, lines 39-57, teaches prior to install).

As to claim 6, Forbes et al. discloses comprising when each resource does not exist at the second member, awaiting receipt of every resource identified in the manifest file, and in response to a final resource identified in the manifest file being received at the second member, executing the application (See column 9, lines 39-57).

As to claim 18, Forbes et al. discloses a computer-readable storage medium having computer executable instructions that facilitates the replication of data using a manifest file, comprising:

receiving a notice that a resource in a group of resources is being modified, the group of resources being interrelated, wherein a proper functioning of the group of resources is dependent on a similar version of each resource in the group of resources coexisting (See column 7, lines 1-32);

in response to the notice, issuing an instruction to create a manifest file (See column 6, lines 63-67);

adding to the manifest file, an identifier for each resource in the group of resources (See column 11, lines 43-61);

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replicating the manifest file on a replication partner (See column 7, lines 34-60);
comparing the replicated manifest file to resources of the replication partner (See column 7 34-58);
delaying execution of the group of resources when the replicated manifest file does not match the resources of the replication partner (See column 9, lines 19-41, also see column 10, lines 53-57); and
executing the group of resources when the replicated manifest file matches the resources of the replication partner (See column 9, lines 10-18, wherein already installed is taught, also see column 15, lines 45-55).

As to claim 19, Forbes et al. discloses wherein adding the identifier for each resource to the manifest file further comprises adding to the manifest file a globally-unique identifier for each resource (See column 14, lines 1-10, teaches namespace).

As to claim 20, Forbes et al. discloses wherein adding the identifier for each resource to the manifest file further comprises adding to the manifest file a version identifier for each resource (See column 14, lines 20-29, teaches tag).

As to claim 22, Forbes et al. discloses wherein delaying execution of the group of resources includes delaying execution of an installation file (See column 9, lines 28-57).

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As to claim 23, Forbes et al. discloses wherein delaying execution of the group of resources includes delaying execution of an installation script (See column 9, lines 59-67, and see column 10, lines 1-4, wherein ZIP files is taught).

As to claim 25, Forbes et al. discloses a computer system that facilitates the replication of data using a manifest file, comprising:

- a first replication partner configured to create a manifest file that identifies each resource of a resource group (See column 6, lines 63-67);

- a second replication partner configured to:
 - replicate the manifest file of the first replication partner (See column 7, lines 34-60);
 - compare each resource of the resource group to resources of the second replication partner (See column 9, lines 7-13);

- determine when the resources of the second replication partner includes each resource of the resource group (See column 7, lines 49-67, also see column 9, lines 19-41);

- lock access to resources of the second replication partner when the resources of the second replication partner do not include each resource of the resource group (See column 9, lines 19-41); and

- execute the resource group when the resources of the second replication partner include each resource of the resource group (See column 9, lines 10-18, wherein already installed is taught, also see column 15, lines 45-55).

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As to claim 27, Forbes et al. discloses wherein the second replication partner is configured to replicate the manifest file of the first replication partner by fetching the manifest file (See column 7, lines 34-48, wherein “replication” reads on “distribution/download”).

As to claim 30, Forbes et al. discloses wherein the manifest file includes an execution order (See column 12, lines 3-9, wherein “order” reads on “dependency”).

As to claim 31, Forbes et al. discloses wherein the manifest file includes a security token (See column 11, lines 65-67, and see column 12, lines 1-5).

Allowable Subject Matter

7. Although no rejections in view of prior art are made regarding claims 21, 24, 26, and 28-29, no claims in this application will be indicated as allowable until after a response to this action has been reviewed, as to the fact that certain changes may not produce allowable claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-6, and 18-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

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9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

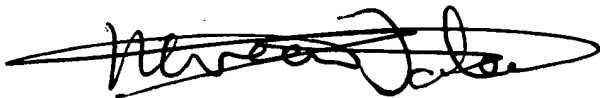
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Niveen Abel-Jalil', with a large, sweeping horizontal stroke underneath.

Niveen Abel-Jalil
March 29, 2007